

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	CASE NUMBER 4:18-CR-00085
	§	
TYTON HESTER	§	
	§	

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant Tyton Hester’s Motion for Evidence Favorable to Defendant and Brief in Support Thereof (Dkt. #333). Defendant’s requests fall into several categories of discovery including the Jencks Act, *Brady*, and *Giglio*.

Defendant requests that the Government be required to produce evidence which is favorable to him. On May 29, 2018, the Court entered its Scheduling Order relating to pretrial discovery and inspection as to Defendant Tyton Hester (Dkt. #24). The Court’s Scheduling Order provides that the government shall permit Defendant’s attorney to inspect, copy, or photograph any evidence within the ambit of *Brady v. Maryland*, 373 U.S. 83 (1963). Moreover, the Government, in Government’s Response to Defendant’s Motion for Evidence Favorable to the Defendant, has replied that there is no exculpatory evidence of which it is aware of at this time (Dkt. #356). Therefore, Defendant’s Motion, as it relates to evidence within the ambit of *Brady*, should be denied.

Defendant also requests that the Government provide a variety of information that is controlled by the Jencks Act, 18 U.S.C. § 3500. The Government shall provide Defendant with any Jencks Act material by not later than immediately prior to the testimony of the witness to whom such material relates. 18 U.S.C. § 3500.

Finally, Defendant requests “any promises, benefits, concessions, or consideration provided to any witness by the Government” (Dkt. #333). The Government shall provide Defendant with all material required by *Giglio v. United States*, 405 U.S. 150 (1972) (discussing the Government’s disclosure requirements surrounding evidence of agreements or promises made by the government to a witness) by not later than immediately prior to the testimony of the witness to whom such material relates.

It is therefore **ORDERED** that Defendant Tyton Hester’s Motion for Evidence Favorable to Defendant and Brief in Support Thereof (Dkt. #333) is hereby **DENIED**.

SIGNED this 3rd day of February, 2020.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE